



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

Director of Planning
County Counsel

At its meeting held October 26, 2004, the Board took the following action:

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At the time and place regularly set, notice having been duly given, the following item was called up:

Hearing on proposed amendments to Title 22 - Planning and Zoning, to amend the Santa Monica Mountains North Area Community Standards District (3) to establish new development standards for review of grading projects and ridgeline development in the Santa Monica Mountains North Area; consideration of the certified Final Environmental Impact Report SCH#99011068 (FEIR) for the Ventura Freeway Corridor Areawide Plan and an addendum; find that the addendum to the FEIR was prepared in compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines and Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles; and adopt the Statement of Overriding Considerations, as further described in the attached letter dated September 23, 2004 from the Director of Planning.

All persons wishing to testify were sworn in by the Deputy Executive Officer of the Board. Dave Cowardin and Ron Hoffman, representing the Department of Regional Planning; John Todd, representing the Fire Department; Mark Pestrella, representing the Department of Public Works; and Lloyd Zola, Principal, from L. S. A. & Associates Inc., testified. Opportunity was given for interested persons to address the Board. Dan Kuperberg, Mayor of Agoura Hills, Councilmember Leslie Devine, City of Calabasas; Joseph Edmiston, member of the Santa Monica Mountains Conservancy, Albert Rollins, Ruth Gerson, Martin Zunkeler, and others addressed the Board. Correspondence was presented.

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Supervisor Yaroslavsky made the following statement:

“The Santa Monica Mountains are one of our Nation’s most precious coastal mountain ranges and one of Los Angeles County’s environmental jewels. There is no place in America where such a unique environmental resource exists within or adjacent to a metropolitan area of 10-15 million people. The Federal, State and County governments have invested hundreds of millions of dollars in recent years to establish national, state and regional parks and recreation areas in the Santa Monicas and to preserve its natural beauty.

“In October, 2000, this Board unanimously approved the North Area Plan, governing much of the Santa Monica Mountains, as part of its effort to protect and enhance the environmental resources in this part of Los Angeles County. It has been the County’s guiding principal, as articulated in the North Area Plan, to ‘let the land dictate the type and intensity of use’ as properties are developed in the area.

“In the past, this area has witnessed development that has drastically and adversely altered the unique, precious and valuable terrain that made up this mountain range and its valleys and streams. The Board approved the North Area Plan for, among other reasons, to establish policies aimed at: 1) minimizing the permanent scarring of ridgelines, slopes and valleys caused by destructive and unchecked grading, 2) protecting biological and scenic resources in the Santa Monica Mountains North Area, and 3) enhancing fire safety in the region.

“The ‘Grading and Significant Ridgeline Ordinance’ that is before the Board today implements these policies and ensures the County’s compliance with State law which mandates that local zoning ordinances conform to the local (County) General Plan.

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“This ordinance is the product of lengthy public hearing sessions in which hundreds of citizens provided input to County staff and decision makers. The County’s Regional Planning Commission recommended approval of the ordinance on June 16, 2004 and forwarded it to the Board for its consideration.

“The ordinance is also the product of exceptionally thorough and professional work by County Regional Planning Department staff as well as the staff of my office. I am grateful to all who have played a role in the development of this important measure.

“I have listened carefully to the comments made today, and I have reviewed the many letters and other communications that I have received over the last many months on this matter. Virtually every issue, concern or criticism that has been raised by members of the public has been responded to by staff.

“In response to the concerns that have been raised, I want to address one aspect of the ordinance. There has been some concern regarding the requirement for a Conditional Use Permit (CUP) for grading projects resulting in a disturbed area larger than 15,000 sq ft-- especially since the proposed ordinance already establishes a threshold for a CUP at 5,000 cubic yards of grading. This provision is unnecessarily restrictive. One of the County’s primary goals in this ordinance is to minimize the amount of grading that takes place without meaningful County review. Such protection is provided in the ordinance with the CUP requirement for grading projects larger than 5,000 yards without the need for the 15,000 sq ft ‘disturbed area’ threshold that was approved by the Regional Planning Commission. Removal of this requirement should help alleviate concerns that this ordinance unduly constrains horse-keeping uses in the North Area. Moreover, this change will also encourage property owners to develop their properties in flatter areas, resulting in the need for less grading.”

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Therefore, Supervisor Yaroslavsky made a motion that the Board close the public hearing and take the following actions:

1. Consider the certified Final Environmental Impact Report SCH#99011068 (FEIR) for the Ventura Freeway Corridor Areawide Plan and Revised Addendum thereto;
2. Find that the Revised Addendum to the FEIR was prepared in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (Section 15184), and Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles;
3. Adopt the Statement of Overriding Considerations;
4. Direct staff to draft amendments as follows:
 - a. Remove the requirement from the ordinance that grading projects resulting in a disturbed area larger than 15,000 sq ft need a Conditional Use Permit;
 - b. Clarify that the significant ridgeline map will be adopted as part of the ordinance, and include on the significant ridgeline map the criteria for significant ridgeline designation;
 - c. Clarify the “applicability” language of the ordinance to clearly exempt project applications that have been deemed complete, applications which have already undergone a public hearing, and previously approved applications where the anticipated grading was clearly depicted;
5. Determine that the adoption of the amendments to County Code Title 22 is compatible with and supportive of the goals of the Los Angeles County General Plan:

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6. Approve the recommendation of the Regional Planning Commission to adopt the Santa Monica Mountains North Area Grading and Significant Ridgeline Ordinance and proposed significant ridgelines map; and adopt the amendments as recommended by staff, County Counsel and this motion; and
7. Instruct County Counsel to prepare a final ordinance with the proposed amendments to Title 22 of the Los Angeles County Code for the Board's consideration.

Supervisor Burke made a suggestion that Supervisor Yaroslavsky's motion be amended to exempt from the 5,000 cubic yard grading threshold, grading that is necessary to establish a Fire Department required turnaround, but not the road/driveway that leads to it. Supervisor Yaroslavsky accepted Supervisor Burke's amendment.

The following statement was entered into the record for Supervisor Antonovich:

"When the Board of Supervisors adopted the North Area Plan in 2000, many residents and property-owners grudgingly went along with a compromise that protected these individuals from further regulation for reasonable development of their properties. Given the volume of objections to the current proposal, it is evident that many of these same residents feel that adoption of the proposed Grading & Ridgeline Ordinance unfairly ignores a deal struck a mere four years ago.

"In addition to residents and property-owners within the North Area, equestrians from throughout the County are concerned that the Grading & Ridgeline Ordinance would severely constrain the ability to construct future equestrian facilities and set a dangerous precedent for the County. Given the fact that there are fewer and fewer neighborhoods in Los Angeles that accommodate equestrians, it hardly seems fair to create hurdles to these uses in one of the few remaining areas where there is a tradition and history of horse-keeping.

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“In imposing new requirements, the County has adopted an approach that unfairly includes driveways and Fire Department turnarounds in cubic yardage and square footage calculations. Individuals attempting to develop one single-family dwelling on a legal lot, or a modest expansion, or a small equestrian facility, should not be penalized for such routine and County-imposed measures.”

Therefore, Supervisor Antonovich made a motion, seconded by Supervisor Knabe, that the Board take the following actions:

1. Direct representatives of the Department of Regional Planning, the Building and Safety Division of the Department of Public Works, the County Counsel's Office, and the Fire Department, to meet to consider proposed amendments to the proposed Grading & Ridgeline Ordinance.
2. Direct County staff to evaluate the following amendments to the proposed Grading & Ridgeline Ordinance:
 - a. Exemptions from the threshold calculations for cubic yards of grading (proposed at 5 cubic yards) or disturbed area (15,000 sq ft) those areas necessary for creating a driveway; those areas necessary for Fire Department turnarounds, and those areas to be utilized for stables, barns, corrals, riding rinks, and any other equestrian-related uses, from the provisions of this ordinance.
 - b. A review of whether the thresholds for cubic yards of grading (proposed at 5,000 cubic yards) or disturbed area (15,000 sq ft) that trigger a CUP requirement are unfairly burdensome, would effectively capture all reasonable development of a property, and whether higher thresholds are more appropriate.
3. Continue the public hearing to January 25, 2005 to allow County staff to report back to the Board.

Said motion failed to carry by the following vote: Ayes: Supervisors Antonovich and Knabe; Noes: Supervisors Molina, Burke, and Yaroslavsky.

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In addition, the following statement was entered into the record for Supervisor Antonovich:

“The thresh-hold for grading, at 5,00 cubic yards, would represent a 20-fold decrease over the existing standard. This proposal unfairly burdens property owners, particularly since cut and fill areas are both counted.”

Supervisor Antonovich made a motion, seconded by Supervisor Knabe, that the Board increase the Conditional Use Permit thresh-hold for grading to 20,000 cubic yards. Said motion failed to carry by the following vote: Ayes: Supervisors Antonovich and Knabe; Noes: Supervisors Molina, Burke, and Yaroslavsky.

On motion of Supervisor Yaroslavsky, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisor Molina, Burke and Yaroslavsky; Noes: Supervisors Antonovich and Knabe, the Board closed the hearing and took the following actions:

1. Considered and adopted the attached certified Final Environmental Impact Report SCH #99011068 (FEIR) for the Ventura Freeway Corridor Areawide Plan and the attached Revised Addendum thereto;
2. Made a finding that the Revised Addendum to the FEIR was prepared in compliance with the California Environmental Quality Act (CEQA), CEQA Guidelines (Section 15184), and Environmental Document Reporting Procedures and Guidelines of the County of Los Angeles;
3. Adopted the attached Statement of Overriding Considerations;
4. Directed staff to draft the following amendments to:
 - a. Remove the requirement from the ordinance that grading projects resulting in a disturbed area larger than 15,000 sq ft need a Conditional Use Permit;

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- b. Clarify that the significant ridgeline map will be adopted as part of the ordinance, and include on significant ridgeline map the criteria for significant ridgeline designation;
 - c. Clarify the “applicability” language of the ordinance to clearly exempt project applications that have been deemed complete, applications which have already undergone a public hearing, and previously approved applications where the anticipated grading was clearly depicted; and
 - d. Exempt from the 5,000 cubic yard grading threshold, grading that is necessary to establish a Fire Department required turnaround, but not the road/driveway that leads to it.
5. Determined that adoption of the amendments to Title 22 - Planning and Zoning of the County Code, are compatible with and supportive of the goals of the Los Angeles County General Plan; and
6. Approved the recommendation of the Regional Planning Commission to adopt the Santa Monica Mountains North Area Grading and Significant Ridgeline Ordinance and proposed significant ridgelines map as amended by staff, County Counsel, and Supervisors Yaroslavsky and Burke; and
6. Instructed County Counsel to prepare the necessary ordinance with the proposed amendments for the Board’s consideration and adoption.

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Attachments

Copies distributed:

Each Supervisor
Chief Administrative Officer